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LETTER DATED 25 AUGUST 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF MALAYSIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am pleased to transmit to you herewith the text of the statement that my delegation had intended to deliver during the deliberations of the Security Council at its 3269th meeting on the situation in the Republic of Bosnia and Herzegovina.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) REDZUAN M. Kushairi
Chargé d'affaires a.i.

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Annex

Statement dated 24 August 1993 by the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations on the situation in Bosnia and Herzegovina

Allow me at the outset to join the previous speakers in extending my delegation's congratulations to you as President of the Security Council for the month of August. I would also like to take this opportunity to express our appreciation to you for the recent initiative that you have taken to bring about greater transparency in the work of the Council. We are also encouraged by your commitment to having more consultations with the general membership from time to time on matters relating to the work of the Council. All this is a positive response to the wishes of the wider membership and in line with the ongoing reform of the United Nations.

As an active member of the Movement of Non-Aligned Countries and the Organization of the Islamic Conference (OIC) contact group on Bosnia and Herzegovina, Malaysia fully supports the draft resolution before the Council. The Malaysian delegation commends the Non-Aligned Caucus for having played a constructive role on Bosnia and Herzegovina in the Council.

The Non-Aligned Caucus initiated this draft resolution some three to four weeks ago, and requested its urgent consideration by the Council because of the deteriorating situation in Bosnia and Herzegovina and the critical stage of the peace negotiations in Geneva. The Malaysian delegation regrets the considerable time taken before the Council could agree to hold a formal meeting on this extremely urgent issue. This is a very serious matter, especially when the Council's record on Bosnia and Herzegovina has been far from satisfactory. The Council has not lived up to its full responsibility under Article 24 of the Charter while Bosnia and Herzegovina is denied its inherent right to individual or collective self-defence under Article 51 of the Charter. We are afraid that this could have serious ramifications for the future that go beyond the conflict in Bosnia and Herzegovina.

There is really no reason why this draft resolution should not have been taken up earlier, because it has only two main objectives to which, in the Malaysian delegation's viewpoint, it seems inconceivable for any member of the Council to object. First, it is aimed at bringing about a cease-fire and the cessation of hostilities, a prerequisite for any serious, fair and meaningful peace negotiations. Secondly, it outlines the framework principles for the peace negotiation in accordance with the principles of international law, the Charter of the United Nations and the London Peace Accords. It should not be portrayed as a move at interfering in the negotiating process but, on the contrary, an attempt to assist the peace mediators and the parties involved in the negotiations. I should add that there are also a number of relevant Security Council resolutions, adopted under Chapter VII of the Charter, which must be adhered to by the negotiators as well as the mediators.

At the 3247th meeting of the Security Council on 29 June 1993 to consider the situation in Bosnia and Herzegovina, Malaysia had already warned about the danger of renewing a negotiating process that would lead to the abandonment of

the Vance-Owen plan in favour of a framework based on the Milosevic-Tudjman proposal to partition Bosnia and Herzegovina. In the first place, Malaysia has always maintained that diplomacy, no matter how creative, cannot secure a just and equitable peace without the threat of a counter-force from the United Nations Security Council against the aggressors. Those who believe otherwise are either dreamers or they actually subscribe to a policy of appeasement, couched in terms of circumstances and certain realities. The reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia contained in documents S/26260 and S/26337, dated 6 and 20 August 1993 respectively, have done little to assuage our fears that the mediators are pursuing peace at the expense of the victims of aggression and genocide, namely the Bosnian Muslims, and contrary to the principles of the Charter, international law, the London Peace Accords and the relevant Security Council resolutions. The peace plan forwarded by the mediators does not measure up to the principles of equity and justice. It rewards Serbian aggression and genocide through ethnic cleansing. The legal standing of the mediators and the stand they have taken with regard to the peace plan are therefore in question. Malaysia believes that this is a very serious situation that must be fully deliberated by the Security Council and the General Assembly. It should also be considered by the International Court of Justice in the context of the current case being presented to it by the Government of Bosnia and Herzegovina.

The Malaysian delegation would also like to take this opportunity to appeal to the Council, pending the realization of this resolution, to implement promptly and fully the provisions of Security Council resolution 770 (1992) on humanitarian assistance and Security Council resolution 836 (1993) on the six United Nations safe areas in Bosnia and Herzegovina, which allow for the use of all necessary means. The six United Nations safe areas should be made truly safe as envisaged in resolution 836 (1993). The present conditions in the United Nations safe areas are not acceptable. In many ways they are worse than open prisons when their populations, numbering hundreds of thousands of innocent and helpless civilians, including women and children, are denied food and basic essential services and subjected to a campaign of terror by the Serbian forces. Air power must be brought to bear on those forces who are laying siege and obstructing United Nations humanitarian relief supplies from reaching the victims.

In this connection, the Malaysian delegation is concerned by the remarks made by certain senior United Nations Protection Force officers who seemed so insensitive to the sufferings of the people in the United Nations safe areas who, by any decent interpretation, continue to live under siege in the most inhumane conditions. If the Secretary-General is unable to act for some reason, the time has come for the Council to take charge of the situation and not allow loose remarks to be made by United Nations officials, ironically the very people entrusted by the international community to protect the victims of aggression and genocide. On our part, the Malaysian Government is making all necessary preparations to deploy as soon as possible its contingent as part of the United Nations peace-keepers in the designated United Nations safe areas in Bosnia and Herzegovina.

The situation in a number of civilian-populated centres in Bosnia and Herzegovina such as Mostar and Brcko is also fast deteriorating. To save thousands of lives there, the Council should also consider designating these

towns as United Nations safe areas. The United Nations should respond promptly and positively to the appeal made by the Government of Bosnia and Herzegovina for the reopening of the Tuzla airport, larger and better equipped than Sarajevo airport, to facilitate humanitarian relief efforts. Airdrops should begin for the people of Mostar and force, air power in particular, should be used if necessary to break the Bosnian Croat siege of the Bosnian-Muslim-populated part of Mostar, as provided for in Security Council resolution 770 (1993).